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15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

17 ETREPPID TECHNOLOGIES, L.L.C.,

18 Plaintiffs,

Case No. 3:06-CV-00056-PMP-VPC
Base File

3:06-CV-00145-PMP-VPC

19 vs.
20 DENNIS MONTGOMERY, BRENDA
21 MONTGOMERY, THE MONTGOMERY
22 FAMILY TRUST, EDRA BLIXSETH,
OPSPRING, INC., AND BLXWARE, INC.,

**ETREPPID TECHNOLOGIES,
L.L.C.'S EMERGENCY MOTION
TO CORRECT NAME OF
JUDGMENT DEBTOR AND
MOTION FOR ORDER
SHORTENING TIME**

23 Defendants.
24 _____ /
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26 eTreppid Technologies, L.L.C. ("eTreppid") hereby files its Emergency Motion to
27 Correct Name of Judgment Debtor Blxware, Inc. This Motion is supported by the following
28 points and authorities, and all papers and pleadings filed herein.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 As this Court is aware, the eTreppid parties and the Blixseth Parties agreed to settle this
3 matter in September 2008. As security for their obligations under the settlement agreement, the
4 Blixseth Parties executed three separate Confessions of Judgment in favor of eTreppid, Warren
5 Trepp, and Friendly Capital Partners. These Confessions of Judgment were executed, on the part
6 of the Blixseth Parties, by Dennis Montgomery, Brenda Montgomery, and Edra Blixseth, who
7 executed personally and on behalf of Opspring, Inc. and Blxware, Inc.

8 Unfortunately, since the settlement was executed, it has become apparent that there is no
9 such entity as “Blxware, Inc.” To the contrary, it appears that the appropriate entity is “Blxware,
10 LLC.” Although the initial settlement memorandum, which was executed on September 16,
11 2008, identified Blxware, LLC” as a party, that name was changed to “Blxware, Inc.” in the final
12 settlement documents. This change was apparently inadvertent, as no such entity exists.

13 Pursuant to Fed. R. Civ. P. 60, clerical mistakes in judgments “may be corrected by the
14 court at any time.” Accordingly, eTreppid respectfully requests that the Confession of Judgment
15 in favor of eTreppid, which was filed in this Court on December 11, 2008, (Docket No. 898) be
16 corrected to identify Blxware, LLC, rather than Blxware, Inc. as a debtor. eTreppid further
17 requests that this Court order that the requested amendment apply retroactively to December 11,
18 2008, when the Confession of Judgment was filed.

19 Finally, because eTreppid is currently engaged in efforts to collect on the subject
20 judgment, and because eTreppid does not anticipate that the present motion will be subject to
21 significant opposition from the Blixseth Parties, eTreppid respectfully requests that this motion
22 be heard on shortened time. Specifically, eTreppid requests that any opposition to the present
23 motion be ordered filed not later than Friday, March 13, 2009, and that any reply in support of
24 this motion be filed by Monday, March 16, 2009.

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For all of the foregoing reasons, eTreppid respectfully requests that its Motion to Correct Name of Judgment Debtor be granted.

Dated: March 6, 2009.

/s/
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PROOF OF SERVICE

I, Cynthia L. Kelb, declare:

I am employed in the **City of Reno, County of Washoe, State of Nevada**, by the law offices of Holland & Hart LLP. My business address is: **5441 Kietzke Lane, Second Floor, Reno, Nevada 89511**. I am over the age of 18 years and not a party to this action. I am readily familiar with Holland & Hart LLP's practice for collection of mail, delivery of its hand-deliveries and their process of faxes.

On March 6, 2009, I caused the foregoing **ETREPPID TECHNOLOGIES, L.L.C.'S
EMERGENCY MOTION TO CORRECT NAME OF JUDGMENT DEBTOR AND
MOTION FOR ORDER SHORTENING TIME** to be:

X filed electronically with the U.S. District Court and therefore the court's computer system has electronically delivered a copy of the foregoing document to the following person(s) at the following e-mail addresses:

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on March 6, 2009.

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/s/
Cynthia L. Kelb

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